IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

**THURSDAY, THE SIXTEENTH DAY OF NOVEMBER
TWO THOUSAND AND SIX**

PRESENT
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.28673 of 1997

Between:

Bollam Sampath.

..... PETITIONER

AND

1.The Government of A.P., rep. by its Secretary, Dept. of Social Welfare, Secretariat, Hyderabad, and 3 others.

.....RESPONDENTS

The Hon'ble Sri Justice Nooty Ramamohana Rao

Writ Petition No.28673 of 1997

Order:

The writ petitioner prays for a direction to the second respondent-The Director of Tribal Welfare, to pass appropriate orders recognizing him as a member belonging to the Lambada community, which is one of the

communities enumerated to be Scheduled Tribes of the State of Andhra Pradesh, and on that basis, he prays that the social status Certificate issued in his favour by the Mandal Revenue Officer, Manakondur Mandal in Karimnagar District, be acted upon, thus, recognizing him as a member belonging to the Scheduled Tribe. The writ petitioner further prays that the necessary concessions, which are liable to be accorded to the Scheduled Tribes, be accorded to him as well.

A detailed counter affidavit has been filed by the first and second respondents.

An ethnographic study of the community appears to have been undertaken, and a great deal of material seems to have been collected by the Tribal Welfare Department, more with a view to ascertain as to whether the family of the writ petitioner does really belong to the Lambada Tribal Community at all or not. The study and the enquiry as conducted appear to reveal that the family of the writ petitioner does not belong to the Lambada Community. In view of their findings, the Commissioner of Tribal Welfare would assert that it is not possible to treat the writ petitioner as a member belonging to the Scheduled Tribe, not withstanding the community Certificate issued in his favour by the Mandal Revenue Officer, Malakonduru of Karimnagar District.

While the respondent-Tribal Welfare Department is completely at liberty to conduct any enquiry in compliance

with the principles of natural justice and also accord an appropriate opportunity to the writ petitioner or his family members before concluding the issue that the writ petitioner's family does not belong to the Schedule Tribe Community of Lambadas, but nonetheless, it is not open to them to maintain that the social status Certificate issued by the competent authority *viz*., Mandal Revenue Officer, Manakondur, cannot be acted upon. It is certainly not open to the respondents to decline to act any further upon the social status Certificate issued by the competent authority *viz*., Mandal Revenue Officer, Manakondur, without cancelling the same in accordance with law.

I, therefore, hold that the writ petitioner is entitled to press into service the social status Certificate issued in his favour by the Mandal Revenue Officer, Manakondur, Karimnagar District, recognizing him as a member belonging to the Scheduled Tribe, so long as it is not cancelled in accordance with law. At the same time, it is also open to the respondents to take all the measures, as are considered appropriate, to cancel the said social status Certificate, if their investigations reveal that there are adequate grounds for its cancellation.

Writ Petition is, accordingly, disposed of. No costs.

(Nooty Ramamohana Rao, J)

16th November, 2006
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